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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,500	06/01/2001	Matthew Denesuk	70961-26	2079

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EXAMINER

PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09
10/872,500

Applicant(s)

NORIMINE ET AL.

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9-14-2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45,46 and 56-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 45,46 and 56-65 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: With regard to claims 56-58, the Applicant is required to elect a single disclosed species for prosecution.

Species A1-A(mixtures) as defined as a microbe-cidal agent "selected from at least one of the group consisting.....and mixtures thereof".

Species B as defined as a "microbe-cidal agent is chlorine dioxide".

Species C as defined as a microbe-cidal agent is 2,4,4'-trichloro-2-hydroxydiphenol".

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 45, 46 and 59-65 are generic.

UPON ELECTION OF A SINGLE DISCLOSED SPECIES FROM SPECIES A, B, C AND D, THEN THE FOLLOWING ELECTION OF SPECIES REQUIREMENT IS CONSIDERED PROPER.

This application contains claims directed to the following patentably distinct species of the claimed invention: With regard to claims 60-65, the Applicant is required to elect a single disclosed species.

Species I as defined as the outer textile casing being treated with a compound to impart at least low surface energy, and antiadhesion properties" (Claim 60).

Species II as defined as the outer textile casing having an outer fabric layer and the microbe-cidal agent having a microbe-impenetrable laminate on an inner surface of the outer fabric layer. (Claims 61 and 62).

Species III as defined as a microbe-cidal agent applied to or incorporated into the thermoplastic film or latex polymer. (Claim 63).

Species IV as defined as a textile-based amusement article having an odor-absorbing agent ...a zeolite compound". (Claim 64).

Species V as defined as an outer textile casing impregnated with modacrylic polymer. (Claim 65).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 45, 46, 56 and 59 are generic to Species I, II, III AND IV.

UPON ELECTION OF SPECIES I, THEN THE APPLICANT IS REQUIRED TO ELECT A SINGLE DISCLOSED SPECIES.

Species IA as defined as a compound having at least one low surface energy property.

Species IB as defined as a compound having at least one non-hydrophilic property.

Species IC as defined as a compound having at least one antistatic property.

Species ID as defined as a compound having at least one antiadhesion property.

Species IE as defined as a compound having a mixture of Species IA-ID.

Claim 45 is generic to Species IA-IE.

**UPON ELECTION OF SPECIES II, THEN THE APPLICANT IS REQUIRED TO ELECT
A SINGLE DISCLOSED SPECIES.**

Species IIA as defined as a thermoplastic film with a microbe-cidal agent applied thereto.

Species IIB as defined as a latex polymer with a microbe-cidal agent applied thereto.

Species IIC as defined as a thermoplastic film with a microbe-cidal agent incorporated therein.

Species IID as a latex polymer with a microbe-cidal agent incorporated therein.

Claim 45 is generic to Species IIA and IIB.

**UPON ELECTION OF SPECIES III, THEN THE APPLICANT IS REQUIRED TO
ELECT A SINGLE DISCLOSED SPECIES**

Species IIIA as defined as an odor absorbing agent comprising activated carbon.

Species IIIB as defined as an odor absorbing agent comprising zeolite compound.

Claim 45 is generic to Species IIIA and IIIB.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas Price
Primary Examiner GAU: 3643

RTP